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| APPLICATION NO.                                                             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|-----------------------------------------------------------------------------|-------------|----------------------|-----------------------|------------------|
| 09/686,754                                                                  | 10/10/2000  | Jeffrey L. Huckins   | INTL-0481-US (P10029) | 4789             |
| 21906                                                                       | 7590        | 05/06/2004           | EXAMINER              |                  |
| TROP PRUNER & HU, PC<br>8554 KATY FREEWAY<br>SUITE 100<br>HOUSTON, TX 77024 |             |                      | MAUNG, ZARNI          |                  |
|                                                                             |             | ART UNIT             | PAPER NUMBER          |                  |
|                                                                             |             | 2154                 | 4                     |                  |
| DATE MAILED: 05/06/2004                                                     |             |                      |                       |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                         |                     |
|------------------------------|-------------------------|---------------------|
| <b>Office Action Summary</b> | Application No.         | Applicant(s)        |
|                              | 09/686,754              | HUCKINS, JEFFREY L. |
|                              | Examiner<br>Zarni Maung | Art Unit<br>2154    |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 October 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-3.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the application filed on October 10, 2000.

Claims 1-30 are presented for examination.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-3, 7, 11-19, 20-22, 24-25, 26-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 2, the scope of "the clients" lacks proper antecedent basis.

Also, the scope of "a message us sent to said client" is unclear.

As per claim 7, the scope of "said data to said server" has no antecedent basis.

As per claim 11, the scope of "the uploading of information" has no antecedent basis.

As per claim 12, "each of the clients" lacks proper antecedent basis.

As per claim 20, the scope of "schedule the uploading of information" has no antecedent basis.

As per claim 24, the scope of "the processor-based system" has no antecedent basis.

As per claim 26, the scope of "the uploading of information" has no antecedent basis.

As per claim 29, the scope of "the uploading of information" has no antecedent basis. Please clarify.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibbs, U.S. Patent Number 6,625,813 (hereinafter Gibbs).

7. As per claim 1, Gibbs discloses a method comprising: receiving on a client a message from a server addressed to said client (see propagation server

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sending command to the clients, column 8, lines 45-57); and scheduling a data upload session based on said message (see video feeds uploading data to the server).

8. As per claim 2, Gibbs discloses the method of claim 1 further comprising: assigning an individual identifier to the clients comprising a set of clients including said client (see column 8, lines 5-44, clients 111, 112 in sub-graph Ci); assigning a group identifier to a subset of the clients within the set of clients; and enabling said client in said set to determine whether a message is sent to said client or to the subset (see column 8, lines 5-44, column 11, lines 6-52, clients in the group in sub-group m).

9. As per claim 3, Gibbs discloses the method of claim 2 including sending a message to a client in a unidirectional messaging system (see column 8, lines 14-57, broadcast to clients).

10. As per claim 4, Gibbs discloses the method of claim 1 including receiving a message including an identifier which specifies a task to perform on a storage device (see column 10, lines 45-65).

11. As per claim 5, Gibbs discloses the method of claim 4 including receiving a message including an identifier indicating a change to a partition on said storage device (see column 9, line 55 to column 10, line 66).

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12. As per claim 6, Gibbs discloses the method of claim 1 including locating an identifier within said message that specifies an agent on said client to handle said message, and forwarding said message to said agent.

13. As per claim 7, Gibbs discloses the method of claim 6 including enabling said agent to upload said data to said server over a back channel (see column 8, line 45 to column 9, line 20).

14. As per claim 8, Gibbs discloses the method of claim 6 further including extracting a specified time from said message and uploading said data at the specified time (see column 8, line 45 to column 9, line 20).

15. As per claim 9, Gibbs discloses the method of claim 1 including extracting from said message an identifier which specifies the information to upload to said server and uploading the specified information to said server (see column 8, line 45 to column 9, line 20).

16. As per claim 10, Gibbs discloses the method of claim 9 wherein said message includes a server identifier, and uploading said data to the identified server (see column 8, lines 45-57, column 10, lines 41-66).

17. As per claims 11-30, they do not teach or further define over the limitations recited in the claims 1-10 above. Therefore, claims 11-30 are rejected for the same reasons set forth in claims 1-10, supra.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) System and method for sending live video on the internet by Murphy, U.S. Patent Number 6564380.

b) System, method, and apparatus for automatically and dynamically updating options, features, and/or services available to a client device by Fascenda, U.S. Patent Number 6560604.

c) Internet quality-of-service method and system by Turek et al., U.S. Patent Number 6021439.

d) Software apparatus for immediately posting sharing and maintaining objects on a web page by Scott et al., U.S. Patent Number 6489980.

e) Internet-based automatic publishing system by Herr-Hoyman et al., U.S. Patent Number 5727156.

f) Network architecture to support recording and playback of real-time video games by Perlman, U.S. Patent Number 5558339.

g) Method and apparatus for remote update of clients by a server via broadcast satellite by McFadden et al., U.S. Patent Number 6614804.

h) Network media streaming by Carmel et al., U.S. Patent Number 6389473.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (703) 308-6687. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. John Follansbee, can be reached on (703) 305-8498. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

  
ZARNI MAUNG  
PRIMARY EXAMINER